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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/406,531	09/27/1999	ODD N. ODDSEN JR.	3757.3002	1718

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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/406,531

Applicant(s)

ODDSEN, ODD N.

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-79 is/are pending in the application.
- 4a) Of the above claim(s) 44-49 and 55-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-43, 50-54 and 63-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Office Action

This is the fifth office action for serial number 09/406,531, entitled Configurable Mount, in response to CPA filed on August 11, 2002.

Election/Restriction

Claims 44-49 and 55-62 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 9.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 36--43, 63-66, and 76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 36 recites the limitation "a plurality of attache components" in line 4. There is improper antecedent basis for this limitation in the claim.

Claim 36 recites the limitation "a device" and "a surface" in line 6. There is improper antecedent basis for this limitation in the claim.

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Claim 40 recites the limitation "at least one buffering pad" in line 2. There is improper antecedent basis for this limitation in the claim.

Claim 63 recites the limitation "a plurality of attachments" in line 5. There is improper antecedent basis for this limitation in the claim.

Claim 63 recites the limitation "a device" and "a surface" in line 6. There is improper antecedent basis for this limitation in the claim.

Claim Objections

Claim 73 is objected to because of the following informalities: the claim should not depend from a claim which follows it such as claim 79. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Claims 36, 37, 41, 63, 64, 72, 74, 78, 79, and 73 are rejected under 35 U.S.C. 102(b) as being anticipated by Koskinen 3,568,963. Koskinen discloses a shaft holder (24) with first hole (where 30 is received), a threaded rods (32, 38, 74,), nut (44), a first member with first (near 40) flange with second hole (see figure 7) and second flange (70), a clamping mechanism and at least one screw or adjustment device (74) and bottom perpendicular element of 70).

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Claims 36, 37, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Wester 3,145,005. Wester discloses a shaft holder (10), a threaded rod (34), a nut (38), a first hole (where 34 enters 10), a clamping plate (see element between 26 and 28 which is circular).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 42, 65, 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koskinen in view of Rossman 5,277,392. Koskinen discloses all of the limitations of the claimed invention except for the at least one screw and at least a third hole formed in the second flange. Rossman teaches that it is known to have a third hole (40) formed in a second flange (38). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Koskinen to have included the hole in the second flange for allowing the device to be attached to a vertical surface.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koskinen in view of Murdock 2,950,836. Koskinen discloses all of the limitations of the claimed invention except for the buffering pads. Murdock teaches that it is known to have a buffering pad (43) on a

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clamping plate. It would have been obvious to have modified Koskinen to have included the buffering pad to prevent damage to the support surface.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wester in view of Murdock 2,950,836. Wester discloses all of the limitations of the claimed invention except for the buffering pads. Murdock teaches that it is known to have a buffering pad (43). It would have been obvious to have modified Koskinen to have included the buffering pads to prevent damage to the support surface.

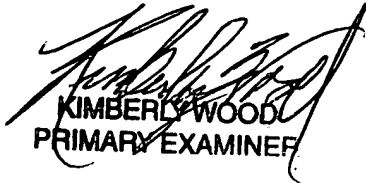
Claims 50-54, 66-71, 75, and 77 rejected under 35 U.S.C. 103(a) as being unpatentable over Koskinen 3,568,963 in view of Higgins. Koskinen discloses all of the limitations of the claimed invention except for the second member having a third and fourth flange with holes. Higgins discloses a shaft holder (22) having a hole (where 31 is received); a plurality of threaded rods or screws (31, 47, and 41; see page 2, lines 113); an attachment means including a first member (33) having a flange (33) with a hole (35) and perpendicular flange (44) with a hole (42), a second member (36) having a flange (36) with a hole (where screw 47 is received) and another flange (39) with a hole (40) to receive a threaded rod (41), an adjustment means (47). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Koskinen to have substituted the member (70) and to have replaced it with the first and second members of Higgins since both are mechanical clamping members and Higgins would provide a better means of securing the device.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9326. The fax number for an Official After Final Amendment or Response is (703) 872-9327.

Kimberly Wood
Primary Examiner
October 1, 2002



KIMBERLY WOOD
PRIMARY EXAMINER